

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

| | | |
|----------------------|---|-------------------------------------|
| In re: | : | Case No. 16-24241-GLT |
| | : | Chapter 13 |
| RICHARD A. SHELLOGG, | : | |
| | : | |
| | : | |
| Debtor. | : | Hearing: May 17, 2017 at 10:30 a.m. |
| | : | Response: May 9, 2017 |

ORDER TO SHOW CAUSE

The above-captioned bankruptcy case commenced on November 15, 2016 when the Debtor filed his petition for relief under chapter 13 of the United States Bankruptcy Code. The first meeting of creditors (a “Meeting of Creditors”) was scheduled to be held on January 30, 2017 [Dkt. No. 16], but the Debtor failed to attend [Dkt. No. 32]. The Meeting of Creditors was then rescheduled to March 6, 2017 and the Debtor again failed to appear. On March 9, 2017, the chapter 13 trustee requested that the Court issue an order to show cause to allow the Debtor the opportunity to explain why the case should not be dismissed for the failure to attend two scheduled Meetings of Creditors.

In response to the trustee’s request, the Court issued its *Order* dated March 22, 2017 [Dkt. No. 39] which required the Debtor to: (1) file a notarized affidavit on or before April 5, 2015 explaining his failure to attend two Meetings of Creditors and commence plan payments to the trustee; and (2) submit documentary proof that one full plan payment was remitted to the trustee since the March 6 Meeting of Creditors. The March 22 *Order* further provided that the “failure to comply with [the] order shall result in an order dismissing this case, for cause, without prejudice, under 11 U.S.C. § 109(g)(1), without further notice or hearing.”

Debtor’s counsel, Paul W. McElrath, Esq., filed a response to the March 22 *Order* indicating that the Debtor passed away on March 27, 2017 [Dkt. No. 41]. Attorney McElrath

requested payment of his outstanding legal fees in the amount of \$3,500 from the funds on hand with the chapter 13 trustee.

In light of the Debtor's passing, the Court will hold a hearing to consider whether this bankruptcy case should be dismissed or converted to a case under chapter 7 of the Bankruptcy Code.

AND NOW, based upon the foregoing, it is hereby **ORDERED, ADJUDGED,** and **DECREEED** that:

1. An *Order to Show Cause* is issued against the Debtor to appear through his counsel, Paul W. McElrath, Esq., at a hearing scheduled on **May 17, 2017 at 10:30 a.m.** in Courtroom A, 54th Floor U.S. Steel Tower, 600 Grant Street, Pittsburgh, Pennsylvania 15219 to address whether the Debtor's bankruptcy case should be dismissed or converted to a case under chapter 7 of the Bankruptcy Code.

2. Any response to this *Order to Show Cause* shall be filed on or before **May 9, 2017**.

Dated: April 18, 2017



GREGORY TADDONIO **cgt**
UNITED STATES BANKRUPTCY JUDGE

Case administrator to serve:
All parties on the creditors' matrix

Certificate of Notice Page 3 of 4
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Richard A. Shellogg
 Debtor

Case No. 16-24241-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: bsil
 Form ID: pdf900

Page 1 of 2
 Total Noticed: 13

Date Rcvd: Apr 18, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Apr 20, 2017.

db
 14324536 #Richard A. Shellogg, 1509 Henderson Avenue, Washington, PA 15301-8266
 +AmeriCredit Financial Services, Inc. dba GM Financ, P O Box 183853,
 Arlington, TX 76096-3853
 14322040 Fay Servicing, PO Box 619063, Dallas, TX 75261-9063
 14322041 +Fayfinancial, 939 W North Ave Ste 680, Chicago, IL 60642-1231
 14322042 +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 14322043 Grenen & Birsic, P.C., One Gateway Center 9th Floor, Pittsburgh, PA 15222
 14322044 +LENDMARK FINANCIAL SERVICES LLC, 2118 USHER STREET, COVINGTON GA 30014-2434
 (address filed with court: Lendmark, 2118 Usher St Nw, Covington, GA 30014)
 14322045 Mary V. Shellogg, 1509 Henderson Avenue, Washington, PA 15301-8266
 14322048 Wilmington Trust, Nat'l Association, Attn: Grenen & Birsic, PC, One Gateway Center,
 Ninth Floor, Pittsburgh, PA 15222

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 14322039 +E-mail/Text: ccusa@ccuhome.com Apr 19 2017 00:56:56 Credit Coll/usa,

16 Distributor Dr Ste 1, Morgantown, WV 26501-7209
 14339456 +E-mail/PDF: cbp@onemainfinancial.com Apr 19 2017 00:54:02 ONEMAIN, 605 MUNN ROAD,
 FT. MILL, SC 29715-8421
 14322046 +E-mail/PDF: cbp@onemainfinancial.com Apr 19 2017 00:54:02 Onemain Fi, 6801 Colwell Blvd,
 Irving, TX 75039-3198
 14322047 +E-mail/Text: bknotices@professionalcredit.com Apr 19 2017 00:57:55 Professional Credit Se,
 400 International Way, Springfield, OR 97477-7002

TOTAL: 4

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS
 cr* +Americredit Financial Services, Inc. dba GM Financ, PO Box 183853, Arlington, TX 76096-3853
 14334926* +Credit Coll/usa, 16 Distributor Dr Ste 1, Morgantown, WV 26501-7209
 14334927* +Fayfinancial, 939 W North Ave Ste 680, Chicago, IL 60642-1231
 14334928* +Gm Financial, Po Box 181145, Arlington, TX 76096-1145
 14334929* Grenen & Birsic, P.C., One Gateway Center 9th Floor, Pittsburgh, PA 15222
 14334930* +LENDMARK FINANCIAL SERVICES LLC, 2118 USHER STREET, COVINGTON GA 30014-2434
 (address filed with court: Lendmark, 2118 Usher St Nw, Covington, GA 30014)
 14334931* +Onemain Fi, 6801 Colwell Blvd, Irving, TX 75039-3198
 14334932* +Professional Credit Se, 400 International Way, Springfield, OR 97477-7002

TOTALS: 1, * 8, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Apr 20, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 18, 2017 at the address(es) listed below:

James Warmbrodt on behalf of Creditor WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS
 INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2 bkgroupp@kmlawgroup.com
 Office of the United States Trustee ustpregion03.pi.ecf@usdoj.gov
 Paul W. McElrath, Jr. on behalf of Debtor Richard A. Shellogg ecf@mcelrathlaw.com,
 donotemail.ecfbackuponly@gmail.com
 Ronda J. Winnecour cmecf@chapter13trusteewdpa.com

District/off: 0315-2

User: bsil
Form ID: pdf900

Page 2 of 2
Total Noticed: 13

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

William E. Craig on behalf of Creditor Americredit Financial Services, Inc. dba GM Financial
mortonlaw.bcraig@verizon.net, donnal@mortoncraig.com/mhazlett@mortoncraig.com

TOTAL: 5